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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/748,813

12/29/2003

Ming-Fang Tsai

7195

25859 7590 10/09/2007
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EXAMINER

ALMATRAHI, FARIS S

ART UNIT

PAPER NUMBER

4137

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/748,813	TSAI, MING-FANG	
	Examiner	Art Unit	
	Faris Almatrahi	4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a):
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/29/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. **Claims 1-11** are pending in this application.
2. If applicant is aware of any prior art or any co-pending application not already on record, the applicant is reminded of his/her duty under 37 C.F.R §1.56 to disclose the same.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-tangible subject matter. The claimed limitation recites "determining whether there is a need to modify shipping dates, and if there is a need to modify the shipping dates". The invention is not tangible because the claimed invention stipulates "if" a condition takes place. The claim makes no provision in the case when such conditions do not take place. Thus, it could be possible that there is no action by the device. Thus, there would be no tangible result, deeming the claim non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Wong (US Pat No. 6,115,690):

6. Regarding claims 1-2, 5, 7, Wong discloses a shipment management system and method comprising:

- Warehousing any one or more of work-in-process products, semi-finished products, finished products, and sales return products (Figure 3, Figure 5A, Figure 25A, Column 4 lines 16-29, Column 24 lines 16-25).
- Determining clients to which products are shipped and shipping dates, and generating shipment sheets according to sales orders provided by at least one external system (Figure 3, Figure 61A, Column 4 lines 6-52, Column 24 lines 3-15, Column 25 lines 8-18).
- Collecting shipment sheets, generating an accumulative shipment sheet for each client, generating detailed data on the accumulative shipment sheet, and arranging for packing of products to be shipped (Figure 61A, Figure 84, Figure 65C, Column 33 lines 33-38, Claim 10).

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- Confirming shipment according to detailed data on each accumulative shipment sheet (Figure 61A, Column 18 lines 50-61, Column 24 lines 3-15).
- Transmitting the confirmation of shipment to said external system (Figures 2-3, Column 14 lines 49-52, Column 24 lines 12-15).
- A database for storing basic data and shipment reports (Abstract, Column 32 lines 1-25).
- A plurality of client computers for providing interactive user interfaces for users to query the basic data and the shipment reports (Figure 3, Column 29 lines 6-16, Column 4 lines 36-52).

7. Regarding claims 3 and 6, Wong discloses a shipment management system and method further comprising receiving basic data (Column 32 lines 1-25).

8. Regarding claims 4 and 11, Wong discloses a shipment management system and method further comprising generating one or more shipment reports (Column 4 lines 36-52).

9. Regarding claim 8, Wong discloses a shipment management method wherein the step of warehousing any one or more of work-in-process products, semi-finished products, finished products, and sales return products comprises the step of obtaining data on the sales return products from said external system according to a sales return notification provided by said external system (Column 12 lines 21-31, Column 15 lines 54-66, Claim 10).

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10. Regarding claim 9, Wong discloses a shipment management method wherein the step of warehousing any one or more of work-in-process products, semi-finished products, finished products, and sales return products comprises the step of warehousing the sales return products that are regarded as finished products, and generating detailed data on the sales return products (Column 12 lines 21-31, Column 15 lines 54-66, Claim 10).

11. Regarding claim 10, Wong discloses a shipment management method wherein the step of determining clients to which products are shipped and shipping dates, and generating shipment sheets according to sales orders provided by at least on external system comprises modifying shipment records (Figure 9A, Column 31 lines 12-18).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Thursday 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Faris Almatrahi
Examiner
Art Unit 3609

FA


AKM ULLAH
SUPERVISORY PATENT EXAMINER